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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,167	06/21/2001	Takehiro Matsuda	Q65050	3988

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EXAMINER

HUBER, PAUL W

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/885,167	MATSUDA, TAKEHIRO
Examiner	Art Unit	
Paul Huber	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 2 is/are rejected.  
 7) Claim(s) 3-11 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.<br> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2653

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (USP-5,717,674) considered with Ohyama (USP-6,366,548).

Mori et al discloses an optical pickup apparatus enabling to read information of a plurality of recording mediums having different reading wavelengths from each other (see figure 1), comprising: a light emission part including a first emission source 1 for emitting a first laser beam and a second light emission source 2 for emitting a second laser beam having a wavelength different from that of the first laser beam, the second light emission source 2 being placed adjacent to the first light emission source 1, the light emission part controlled to selectively emit the first or second laser beam as a laser beam; a grating 3 for generating a pair of sub-beams from the laser beam (see figure 6); a hologram 4 for generating first high-order beams from the laser beam reflected by a recording medium and second high-order beams from the pair of sub-beams reflected by the recording medium (see figure 7); and a light receiving part (7 or 8) for receiving the first and second high-order beams to generate a focus error signal and a tracking error signal. Mori et al further teaches that although "the plurality of photodetectors ... are used in the embodiment above, one photodetector may be used in common for a plurality of information recording media with different recording densities" (col. 12, lines 27-32).

Mori et al discloses the invention as claimed, but fails to specifically teach that the second light emission source 2 is integrally formed with the first light emission source 1 as claimed. Ohyama discloses an optical pickup having two laser beam sources having wavelengths different from each other, wherein "the first laser beam source 8 and the second laser beam source 9 are both semiconductor laser, which are formed monolithically on the same

Art Unit: 2653

"chip" (col. 7, lines 58-61), in the same field of endeavor, for the purpose of inexpensively producing a first and second light source aligned with accurate precision with respect to each other.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mori et al such that the second light emission source 2 is integrally formed with the first light emission source 1 as claimed and as taught by Ohyama. A practitioner in the art would have been motivated to do this for the purpose of inexpensively producing a first and second light source aligned with accurate precision with respect to each other.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al and Ohyama, as applied to claim 1 above, in further view of Hayashi et al (USP-5,912,868).

Mori et al as modified above discloses the invention as claimed, but fails to teach that the focus error signal is generated by a beam size method. Mori et al does disclose that "other focus servo methods other than the focus servo method by the astigmatism method can be used" (see col. 13, lines 4-7). Hayashi et al discloses in reference to figure 15 that the focus error signal is generated by a (SSD) method or spot size detection method, in the same field of endeavor, for the purpose of accurately detecting the focus error signal by using only a single photodetector element.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mori et al, in view of Hayashi et al, such that the focus error signal is generated by a beam size method as claimed. A practitioner in the art would have been motivated to do this for the purpose of using only a single photodetector element.

Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber  
Primary Examiner  
Art Unit 2653